



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,932	10/21/2003	Mamoru Miyashita	Q78105	3172
23373 7590 06/06/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TRAN, NHAN T	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 06/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,932

Applicant(s)

MIYASHITA, MAMORU

Examiner

NHAN T. TRAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/8/2008 have been fully considered but they are not persuasive.

The Applicant argues "Kaku allows display of a still image of a captured image after image capture operation, but fails to teach allowing a zoom operation of this still image. Nagai fails to cure this deficiency because Nagai only allows a zoom operation of a captured image in a reproducing mode. In the other words, in order to perform a zoom operation of an image in Nagai, a user must terminate the image capture mode (Fig. 4 of Nagai), and start the reproducing (playback) mode (Fig. 5 of Nagai). Thus, even if Kaku and Nagai are combined as proposed by the Examiner, the zoom operation of a captured image in an image capture mode (zoom operation of the captured image immediately after image capturing) is not possible."

In response, the Examiner understands the Applicant's arguments but respectfully disagrees.

Although Nagai teaches that the electronic zoom is performed when the camera is switched to the reproduction mode (playback mode as shown in Fig. 5), the teaching of Kaku clearly discloses that the camera is set to a playback mode for displaying the captured image as shown in Fig. 5 of Kaku (steps S23, S25-S29) when the shutter button is fully pressed for a predetermined time. Thus, the combined teaching of Kaku and Nagai would render the claimed invention obvious because Kaku has set the

camera into the playback mode by pressing down the shutter button for a predetermined time and then the user is allowed to view the captured image and to instruct the camera to perform zooming on the image during the playback mode as taught by Nagai. The Examiner understands that either Nagai or Kaku alone does not teach the Applicant's claimed invention, but the combination of Nagai and Kaku does teach the claim subject matter as discussed above and in the previous office action.

In view of the above, the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaku (US 7,154,550) in view of Nagai (US 2001/0010561).

Regarding claim 1, Kaku discloses a digital camera (Fig. 1 and col. 1, lines 39-48) comprising:

an image capture section (image sensor 12) which captures a subject and generates a captured image (Fig. 1 and col. 2, lines 30-51);

a display section (44) which displays the captured image (Fig. 1 and col. 2, lines 52-62);

an instruction section (shutter button 54) including an instruction switch, which issues an image capture instruction to the image capture section when the instruction switch is in an ON state (Figs. 1, 4 & 5 and col. 4, lines 47-64);

a control section (CPU 46 and system control 52) which controls preview image display, and which, if the ON state of the instruction section is continually detected after the image capture instruction (step S23 in Fig. 5), controls such that the captured image is displayed at the display section during the ON state, wherein the ON state is activated only when the instruction switch is fully pressed (see Fig. 5 and col. 6, lines 44-61, wherein the captured image is read out from the memory and displayed on the monitor 44 in a review mode as long as the user keeps fully pressing on button 54).

Although Kaku teaches that the camera switches to a review mode for displaying the captured image when the shutter button 54 is maintained at a full press, Kaku does not explicitly teach an input section which administers instructions relating to image display and if an instruction is issued by the input section during the ON state, the control section controls a change of size of a display object region of the captured image that is to be displayed at the display section.

However, as taught by Nagai, a digital still camera (Fig. 1) is capable of performing electronic zoom of captured image on a display device in **a review mode**. Nagai teaches an input section (10) that comprises a zoom switch which administers instructions (zoom instructions) relating to image display for changing size (i.e., zooming in or enlarging) of display object region (Figs. 2a & 2b, region A2 being selected for enlarging) of the captured image that is to be displayed at the display section if an zoom

instruction is issued by the input instruction **during an ON state of the review mode** (Fig. 5, steps 34-38 and paragraphs [0048]-[0050]). Such electronic zoom function in a review mode allows the user to easily view details of a target object in an enlarge format as suggested by Nagai in paragraph [0006].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaku and Nagai to modify the digital camera in Kaku to include an electronic zoom input section for inputting instructions to the control section so as to change size of a display object region of the captured image that is to be displayed at the display section during the ON state of the review mode (shutter button 54 of Kaku is maintained ON). Doing this would allow the user to easily view details of a target object in an enlarge format for checking image quality during reviewing the captured image as taught by Nagai above.

Regarding claim 2, Kaku in view of Nagai as analyzed in claim 1 discloses the control section comprises a display control section (CPU 46 in Kaku) which controls such that the captured image is displayed at the display section during the ON state (see claim 1); and a region control section (a zoom changeover switch 10 in Fig. 1 of Nagai) which, when the instruction is issued by the input section during the ON state of the instruction section, controls the change of the size of the display object region of the captured image that is to be displayed at the display section (see Nagai, paragraphs [0049]-[0050] and [0041] and note the analysis of claim 1).

Regarding claim 3, Kaku in view of Nagai as analyzed in claim 2 further discloses that the region control section comprises a position control section (indicated by arrow C1 and region A2 shown by Fig. 2a in Nagai) which changes position of the display object region in accordance with the instruction from the input section (see Nagai, paragraphs [0049]-[0050] in which the user can change the position of the display object region to be zoomed by moving the arrow C1 to a desired region).

Regarding claims 4 & 5, Kaku clearly discloses that the control section comprises detection section (system controller 52) which detects the duration of the ON state of the shutter button (see Kaku, Figs. 4 & 5, steps S7 and S23).

Regarding claim 6, Kaku clearly discloses that the instruction section comprises a release switch (shutter button 54 in Fig. 1).

Regarding claim 7, Kaku discloses all limitations of "an image capture section", "a display section" and "an image display instruction section" as discussed in claim 1. Furthermore, Kaku discloses a control section (CPU 46 and system controller 52) which, if the instruction for display of the captured image from the image display instruction section is detected subsequent to the instruction for image capture to the image capture section (step S23 in Fig. 5), controls such that the captured image is displayed at the display section for as long as the instruction for display is detected (see col. 6, line 44 – col. 7, line 51) and wherein the image display instruction section

comprises an image capture button (shutter button 54) which issues the instruction for image capture to the image capture section in an ON state only when the instruction switch is fully pressed and the image display section issues the instruction for display of the captured image when the ON state of the image capture button is maintained after the instruction for image capture is issued (see Figs. 4 & 5 and col. 6, line 23 – col. 7, line 51).

Although Kaku teaches that the camera switches to the review mode for displaying the captured image when the shutter button is maintained pushed at the first level, Kaku does not teach a region change instruction section which issues an instruction for change of a display object region of the captured image at the display section; and if the instruction for change of the display object region from the region change instruction section is issued while the instruction for display is detected, the control section controls so as to change the display object region of the captured image that is to be displayed at the display section in accordance with the instruction from the region change instruction section.

Nagai teaches a digital still camera (Fig. 1) that is capable of performing electronic zoom of captured image on a display device in a review mode. Nagai teaches a region change instruction section (10) comprising an electronic zoom section which issues an instruction for change of a display object region (i.e., zooming in or enlarging) of display object region (Figs. 2a & 2b, region A2 being selected by arrow C1 for enlarging) of the captured image at the display section. As shown in Fig. 5, steps 34-38, paragraphs [0048]-[0050] in Nagai, if a zoom instruction is issued by the region

Art Unit: 2622

change instruction section to change the display object region (A2) **during the review mode**, the display object region is changed (i.e., enlarged) on the display (Fig. 2b) under control of a control section (Fig. 1, CPU 7). Such electronic zoom function allows the user to easily view details of a target object in an enlarge format in the review mode as suggested by Nagai in paragraph [0006].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaku and Nagai to modify the digital camera in Kaku to include a region change instruction section (an electronic zoom section) for issuing instructions for a change (zooming in or enlarging) of a display object region of the captured image at the display section and the control section controls to change the display object region of the captured image that is to be displayed at the display section in accordance with the instruction from the region change instruction section during the ON state of the review mode (shutter button 54 of Kaku is maintained ON). Doing this would allow the user to easily view details of a target object region in an enlarge format for checking image quality during reviewing the captured image as taught by Nagai above.

Regarding claim 8, Kaku discloses a detection section (system controller 52) which detects whether or not the image display instruction section is issuing the instruction (the shutter button 54 is pressed) for display of the captured image (Kaku, Figs. 4 & 5 and col. 6, lines 44-61).

Regarding claim 9, as clearly disclosed by Kaku in Figs. 1-5 and col. 6, line 23 – col. 7, line 51, the image display instruction section comprises an image capture button (shutter button 54) which issues the instruction for image capture by the image capture section (step S7 in Fig. 4) and which, after the instruction for image capture, issues the instruction for display of the captured image (step S23 in Fig. 5) for as long as a state of the image capture button at the time of the instruction for image capture is maintained.

Regarding claim 10, Kaku in view of Nagai as analyzed in claim 7 also discloses the control section controls so as to change *at least one of* size of the display object region (by enlarging the object region as shown in Figs. 2a & 2b of Nagai) of the captured image and position of the display object region (by moving arrow C1 to select a display object region) in accordance with the instruction from the region change instruction section (see Nagai, paragraphs [0049]-[0050]).

Regarding claim 11, Kaku in view of Nagai as analyzed in claim 7 further discloses that the region change instruction section issues an instruction for a change of the display object region of the captured image by selecting one (i.e., region A2 shown in Fig. 2a) from a plurality of pre-specified regions (i.e., regions A1 and A2) of the captured image. See Nagai, Figs. 2a & 2b and paragraphs [0049]-[0050].

Regarding claim 12, this method claim is also met by the combined teachings of Kaku and Nagai as analyzed in claim 7.

Regarding claims 13 & 14, these method claims are also met by the combined teachings of Kaku and Nagai as analyzed in claims 8 & 10, respectively.

Regarding claim 15, this claim is also met by the combined teachings of Kaku and Nagai as analyzed in claim 1, wherein the review mode is ON when the shutter button 54 is continuously pressed and the displayed image is then zoomed during this mode.

Regarding claim 16, the limitations of this claim are also met by the analyses of claims 7 & 15.

Regarding claim 17, it is clear in Kaku that the image capture instruction relates to a condition of shutter release (see claim 1).

Regarding claim 18, as disclosed by Kaku in Figs. 4 & 5 and col. 6, line 62 – col. 7, line 12, the display section displays a through image when the image capture instruction is not issued.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571)272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T. Tran/
Primary Examiner, Art Unit 2622